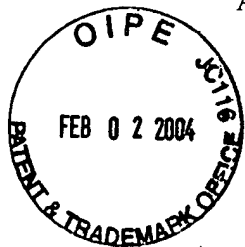


Docket No. 49721/59702
Application No. 10/082,841

image

1724



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/082,841
Applicant(s): Dennis H. MICHALSKI et al.
For: PURIFICATION OF PHOSPHORIC ACID PLANT
POND WATER
Confirmation No.: 1279
Customer No.: 26116
Docket No.: IMC-108A (49721/59702)
Filed: February 21, 2002
Group Art Unit: 1724
Examiner: Peter A. Hruskoci

MS NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 28, 2004

Date of Deposit

Douglas A. Sorensen

Name of Applicant, Assignee, or Registered Representative

Signature

January 28, 2004

Date of Signature

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

The owner, IMC GLOBAL OPERATIONS INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/082,564, filed on February 21, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the

second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.




Docket No. 49721/59702
Application No. 10/082,841

The suggested wording set forth in PTO Form SB/25 for terminal disclaimers of this type was used without change.

A Response Transmittal and Fee Authorization in the amount of \$110.00 is submitted herewith authorizing the fees required for filing this Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No.18-1260. In the event that the Response Transmittal and Fee Authorization is not present, is not sufficient, or is not acceptable, please charge any fee (other than issue fee) required during the pendency of this U.S. patent application to Sidley Austin Brown & Wood LLP's Deposit Account No.18-1260. Please credit any overpayment to Deposit Account No.18-1260.

Respectfully submitted,

By: 
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Registration No. 31,937
Attorney for Applicants

HAA/fis
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